

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DANIEL CLARENCE FREDRICKS,

Petitioner,

V.

ELDON VAIL,

Respondent.

Case No. C09-5599RBL/JRC

REPORT AND RECOMMENDATION TO DENY *IN FORMA PAUPERIS* STATUS

NOTED FOR:
October 30, 2009

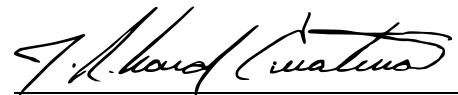
This habeas corpus action, filed pursuant to 28 U. S.C. 2254, has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636 (b)(1)(B) and Local Magistrate Judge's Rules MJR 3 and MJR 4.

Petitioner filed a proposed petition and a motion to proceed *in forma pauperis*. He also paid the filing fee. As the filing fee has been paid the court recommends the motion to proceed *in forma pauperis* be DENIED.

The district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigence. *See* 28 U.S.C. § 1915(a). However, the court has broad discretion in denying an application to proceed in forma pauperis. Weller v. Dickson, 314 F.2d 598 (9th Cir. 1963), *cert. denied*, 375 U.S. 845 (1963). Petitioner has the funds needed for full payment and he has paid the filing fee.

1 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil
2 Procedure, the parties shall have ten (10) days from service of this Report to file written
3 objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those
4 objections for purposes of appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the
5 time limit imposed by Rule 72(b), the clerk is directed to set the matter for consideration on
6 October 30, 2009, as noted in the caption.

7 DATED this 7th day of October, 2009
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10 J. Richard Creatura
11 United States Magistrate Judge
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